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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,484	08/10/2001	Christopher Lee Halasz	06558-00693	5296

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EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,484

Applicant(s)

HALASZ, CHRISTOPHER LEE

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 and 26-30 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6,15-22,24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu (5,816,684).
4. Yu discloses a flashlight comprising a body for retaining at least one battery (12), said body having serrations on an exterior surface to facilitate desired angular adjustment of said body (serrated portion of 14); a base portion in pivot connection with said body (40), said base portion having a pivot stop to facilitate desired angular adjustment of said body (28); and a lamp attached to said body, and selectively connected to said at least one battery to cause the lamp to emanate light (14); the pivot connection allows a low profile positioning of the lamp with respect to the users line of vision (col.3 lines 40-45); the pivot connection allows for 180 degree angular adjustment of the body and the lamp with respect to the base portion; the body comprises a top portion and a bottom portion the bottom portion having threading (38)

5. Claims 20-22,24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Maglica (4,577,263).

6. Maglica discloses a body for retaining at least one battery (21) a head assembly for retaining a reflector and a lamp said lamp selectively connected to at least one battery to cause said lamp to emanate light; said reflector moveable relative to said lamp whereby axial movement of said head assembly causes axial movement of said reflector together with said lamp and further axial movement of said head assembly causes axial movement of said reflector relative to said lamp (Abstract, fig 2); the head assembly is moveable relative to a switching assembly and axial movement of said head assembly causes axial movement of said switching assembly together with said reflector (col. 2 lines 56); the head assembly includes a bezel and rotation of said bezel causes axial movement of said switching assembly; said head assembly moves axially toward said at least one battery (abstract); further axial movement of said head assembly is toward said at least one battery (abstract)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (5,816,684) and further in view of Chen (5,605,394).

3. Yu discloses the claimed invention except for a head assembly that includes a lamp, the head assembly removably attached to the body and capable of selectively electrically connecting said lamp to each battery, said switching assembly adapted to cause electrical coupling of said lamp when said head assembly is rotated and a head fitting means affixable to said base portion.

4. Chu discloses a head assembly removably attached to the body (flashlight) and capable of selectively electrically connecting said lamp to each battery (fig 3), said switching assembly adapted to cause electrical coupling of said lamp when said head assembly is rotated (20) and a head fitting means affixable to said base portion (22,131). It would have been obvious to one of ordinary skill in the art to provide a head assembly removably attached to the body (of a lamp) in combination with a switching assembly adapted to cause electrical coupling of the lamp in combination with a head fitting means affixable to the base portion of the lamp as taught by Chen in combination with the pivotable lamp assembly as taught by Yu for the purpose of providing a pivotable lamp assembly with a rotating head that provides a switching means to facilitate power to the flashlight so it may in cooperation with the structure selectively illuminate in a desired direction.

- Axial movement of said switching assembly toward said at least one battery causes electrical coupling of said lamp.

- A first spring located immediate to said at least one battery and a second spring located immediate to said lamp, said springs permitting selective axial movement of said reflector relative to said lamp and said switching assembly.
- An axis of said pivot connection is located a distance from an axis of a center of said at least one battery to facilitate angular adjustment of said body with respect to a user's desired line of vision.

Allowable Subject Matter

5. Claims 7-11 and 26-30 are allowed.
6. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the following:
 - A flashlight comprising: (a) a body for retaining at least one battery; (b) a head assembly that includes a lamp, said head assembly removably attached to said body, and capable of selectively electrically connecting said lamp to each battery; and (c) a base in pivot connection with said body, said base having a pivot stop to facilitate desired angular adjustment of said light, **wherein said pivot connection is located substantially between at least one battery and the head assembly.**

- The head assembly includes a bezel and rotation of said bezel causes said reflector to move relative to said lamp.
- A flashlight comprising: (a) a body for retaining at least one battery;(b) a head assembly for retaining a reflector and a lamp; (c) said lamp selectively electrically coupled to said at least one battery to cause the lamp to emanate light; (d) a switching assembly moveable relative to said head assembly; (e) **whereby axial movement of said head assembly causes said switching assembly to move axially and electrically couples said lamp with said at least one battery without said reflector moving relative to said switching assembly and; (f) whereby further axial movement of said head assembly causes said reflector to move relative to said switching assembly.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

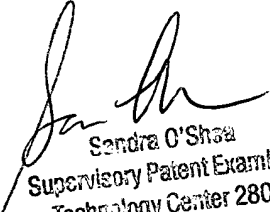
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMT
May 17, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800